

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

BURDLEY JEAN, et al.

CRIMINAL NO. 05-10110-MLW

**ASSENTED -TO MOTION TO CONTINUE
SUPPRESSION HEARING DUE TO UNAVAILABILITY OF WITNESSES**

The United States, with the assent of the defendant, Burdley Jean, hereby moves the Court to continue the hearing on the defendant's Motion to Suppress, which hearing the Court scheduled to begin on August 22, 2007, until a date between October 15 and October 26, 2007. As grounds, the government states the following:

1. At a recent hearing, the Court scheduled an evidentiary hearing on the defendant's Motion to Suppress to be held on August 22 and 23, 2007. The Court instructed the government to contact its witnesses and ascertain whether they are available on those dates. Undersigned counsel has spoken to each of the three government's witnesses and has learned that two of them have family vacation plans outside of Massachusetts the entire week of August 20.

2. The undersigned has conferred with defense counsel with regard to this motion and with regard to his schedule. The defendant assents to the requested continuance. Defense counsel will be engaged in two separate trials during much of the months of September and October and expects to complete the latter trial before October 15.

3. This Court has scheduled trial to commence on January 14, 2007. Therefore, the requested continuance will not prejudice the defendant.

Wherefore, the government requests that the Court continue the hearing on the defendant's

Motion to Suppress until a date between October 15 and October 26, 2007

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ John A. Capin

JOHN A. CAPIN
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CERTIFICATE OF SERVICE

I, John A. Capin, Assistant U.S. Attorney, do hereby certify that I have, on August 9, 2007, caused a true and accurate copy of the foregoing to be served upon all counsel of record by filing the document with the Court electronically.